

U.S. Application No. 10/039,062 Examiner Reilly, Art Unit 2153  
Response to February 18, 2005 Office Action

### **RESPONSE**

In response to the Office Action dated February 18, 2005, Assignee respectfully requests reconsideration based on the following remarks. Assignee respectfully submits that all pending claims are in condition for allowance.

The United States Patent and Trademark Office (the "Office") rejected claims 21-22 under 35 USC § 101 as being directed towards non-statutory subject matter and rejected claims 1-22 under 35 USC § 102(e) as being anticipated by Kramer et al. (U.S. Patent No. 6,327,574). The Assignee cancels claims 1-22 and presents new claims 23-41. The Assignee shows that the pending claims are not fully disclosed in the cited references nor are the pending claims anticipated, nor obviated, by the prior art. Thus, the Assignee respectfully submits that the pending claims (claims 23-44) are ready for allowance.

#### ***35 U.S.C. § 101 – claims 21 and 22:***

The Office objected to claims 21 and 22 under 35 USC § 101 as being directed towards non-statutory subject matter. In this Amendment and Response, Assignee cancels claims 21-22. Consequently, this rejection of claims 21 and 22 is moot.

#### ***35 U.S.C. § 102(e) – claims 1-22:***

The Office rejected claims 1-22 under 35 U.S.C. § 102(e) as being anticipated by *Kramer* (U.S. Patent No. 6,327,574). A claim is anticipated only if each and every element is found in a single prior art reference. *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d (BNA) 1051, 1053 (Fed. Cir. 1987). *See also* DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2131 (orig. 8<sup>th</sup> Edition) (hereinafter "M.P.E.P."). In this Amendment and Response, Assignee cancels claims 1-22. Consequently, this rejection of claims 1-22 is moot.

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***New claims – claims 23-44:***

Assignee respectfully asserts that support for new claims 23-44 is found throughout U.S. Patent Application No. 10/039,062. *See*, U.S. Patent Application No. 10/039,062, pp. 6-14 and FIGS. 3-4; *see also*, id., pp. 21-24 and FIGS. 8-9.

**CONCLUSION**

All of the rejections have been overcome. Further, none of the references cited by Examiner Reilly, alone or in combination, disclose or suggest the claimed invention. Therefore, Assignee respectfully solicits a Notice of Allowance for all pending claims (claims 23-44).

**AUTHORIZATION FOR PAYMENT OF FEES &  
REQUEST FOR AN EXTENSION OF TIME**

Assignee respectfully requests an additional three month extension of time fee for this Amendment and Response to the February 18, 2005 Office Action. Assignee submits payment for a two month extension of time to respond to the February 18, 2005 Office Action from May 18, 2005 to the three month extension of August 18, 2005.

Description of Fee	Amount
Three Month Extension of Time Fee	\$1,020.00
Total	\$1,020.00

The Assignee, therefore, includes a Credit Card Payment Form PTO-2038 for \$1,020.00. If there are any other fees due in connection with the filing of this response, please charge the fees to the credit card on file. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to the credit card on file.

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If the Office has any questions, the Office is invited to contact the undersigned at (757)  
253-5729 or [bambi@wzpatents.com](mailto:bambi@wzpatents.com).

Respectfully submitted,



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Date: 8/17/05

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